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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,685	06/27/2003	Brandon Burrell	60046.0055USU1	8303
53377 7590 10/30/2008 HOPE BALDAUFF HARTMAN, LLC 1720 PEACHTREE STREET, N.W SUITE 1010 ATLANTA, GA 30309				
EXAMINER				
NGUYEN, LE V				
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2174				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/608,685

Applicant(s)

BURRELL, BRANDON

Examiner

LE NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-15 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-15 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is responsive to an amendment filed 10/14/08.
2. Claims 1, 4-15 and 19-22 are pending in this application; and, claims 1, 9, 12 and 15 are independent claims. Claims 1, 9, 10, 12 and 15 have been amended; and, claims 2, 3, and 16-18 have been cancelled.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 5, 7-10, 12-15, 19, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piwonka et al. (US #6,467,038, "Piwonka") in view of *Teach Yourself Web Publishing with HTML 4 in a Week* ("HTML").

As per claim 1, Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising providing a set of BIOS-readable strings to be displayed by the BIOS during BIOS activity (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28), providing a first string of the set to be displayed in a first format and, when displaying the first string of the set, the display engine of the BIOS generates the display of the first string with the portion of the first string displayed in the first format (figs. 2-4;

col. 6, lines 27-65; col. 26, lines 9-28). Piwonka does not explicitly disclose providing a first escape code within a first string of the set wherein the first escape code provides an indication of at least a portion of the first string that is to be displayed in a first format so that upon encountering and interpreting the first escape code by a display engine, the first format is determined and the first string with the portion of the first string in the first format is generated for display and after encountering a second escape code, switching the format. HTML teaches providing a tag/first escape code within a first string of the set wherein the first escape code provides an indication of at least a portion of the first string that is to be displayed in a first format so that upon encountering and interpreting the first escape code by a display engine, the first format is determined and the first string with the portion of the first string in the first format is generated for display and after encountering a second escape code, switching the format (pages 123-125, 207-208 and 564-566; tags/escape codes, for example, , <U>, <I>, etc., provide an indication that at least a portion of a first string is to be displayed in a first format such as "**September 26, 1996**", "Sign Here" and "*Inferno*"). It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of Piwonka in order to change the appearance of text or string so it is somehow different from the surrounding strings.

As per claim 4, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising providing a BIOS-readable third escape code within a second string of the set, wherein the BIOS-readable third escape code provides an indication of at least a portion of the second string that is to be

displayed in a third format (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125; *disclosed are a plurality of tags/escape codes used such as ,r <U>, </>, etc. and a plurality of formats displayed such as “September 26, 1996”, “Sign Here”, “Inferno”, etc.*).

As per claim 5, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is a bold typeface (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 564).

As per claim 7, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is an underlined typeface, the method further comprising displaying the portion of the first string in the underlined typeface by controlling each bottom row pixel of each character of the portion (Piwonka: figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28; HTML: pages 123-125 and 566).

As per claim 8, the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer wherein the first format is a first text color and a first background color (HTML: pages 207-208).

As per claims 9 and 10, Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising during power on self-test (POST) or a BIOS SETUP, providing strings including text to be displayed by the BIOS (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28), providing a first string of the set to be displayed in a first format and, when displaying the first string of the set, the display

engine of the BIOS generates the display of the first string with the portion of the first string displayed in the first format during BIOS SETUP (figs. 2-4; col. 6, lines 48-65; col. 26, lines 9-28) and, moreover, Piwonka provides for control of what strings are displayed (col. 7, line 63 through col. 8, line 2) and, as shown in figs. 3-4 including the respective source code listing, what language is displayed outside of the usual data stream (embedded in the data stream but not part of it), i.e. escape code. Piwonka does not explicitly disclose providing escape codes wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format during parsing so that upon encountering and interpreting an escape code by a display engine, various formats are determined so that first and second strings in their respective formats (including bold typeface) are generated for display. HTML teaches providing escape codes/tags within strings of the set wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format so that upon encountering and interpreting the escape codes by a display engine, a first and second format is determined and a first string with the portion of the first string in the first format is generated for display and a second string with the portion of the second string in the second format is generated for display (pages 123-125, 207-208 and 564-566; e.g. tag/escape code or <U> provides an indication that at least a portion of a first string is to be displayed in a first format such as “**September 26, 1996**” or “Sign Here”). It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of Piwonka in order to

change the appearance of text or string so it is somehow different from the surrounding strings.

As per claims 12-14, Piwonka teaches a method of providing a BIOS generated display of strings during BIOS activity in a computer comprising during power on self-test (POST) or a BIOS SETUP, providing strings including text to be displayed by the BIOS (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28), providing a first string of the set to be displayed in a first format and, when displaying the first string of the set, the display engine of the BIOS generates the display of the first string with the portion of the first string displayed in the first format during BIOS SETUP (figs. 2-4; col. 6, lines 27-65; col. 26, lines 9-28; BIOS displays strings in text as a default mode). Piwonka does not explicitly disclose providing escape codes wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format during parsing so that upon encountering and interpreting an escape code by a display engine, various formats are determined so that first and second strings in their respective formats (including underlined typeface, which are generated by controlling each pixel of a low row of each character of a portion of a string) are generated for display and switching over to a graphics mode. HTML teaches providing escape codes/tags within strings of the set wherein the escape codes provide an indication of at least a portion of the string that is to be displayed in a particular format so that upon encountering and interpreting the escape codes by a display engine, a first and second format is determined and a first string with the portion of the first string in the first format is generated for display and a second string with the portion of the second string in the

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second format is generated for display (pages 123-125, 207-208 and 564-566; e.g. tag/escape code or <U> provides an indication that at least a portion of a first string is to be displayed in a first format such as "**September 26, 1996**" or "Sign Here" wherein the underlined typeface is generated by controlling each pixel of a low row of each character of the string). Furthermore, since Piwonka's BIOS displays strings in text as a default mode, in order to display strings in formatted mode using tags for formatting text as taught by HTML, it is inherent for the computer to go to graphics mode in order to display the strings and given that it cannot be done in text mode. Like any software that has access to hardware, HTML and BIOS software has access to the graphics card, which includes a graphics mode, via switching to the graphics card. It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of Piwonka in order to change the appearance of text or string so it is somehow different from the surrounding strings.

Claim 15 is similar in scope to claim 1 and is therefore rejected under similar rationale.

Claim 16 is similar in scope to claim 2 and is therefore rejected under similar rationale.

Claim 17 is similar in scope to claim 3 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to claim 4 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to claim 5 and is therefore rejected under similar rationale.

Claim 21 is similar in scope to claim 7 and is therefore rejected under similar rationale.

Claim 22 is similar in scope to claim 8 and is therefore rejected under similar rationale.

5. Claims 6, 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Piwonka et al. (US #6,467,038, "Piwonka") in view of *Teach Yourself Web Publishing with HTML 4 in a Week* ("HTML") as applied to claims 5, 10 and 19 respectively, and further in view of Hays et al. (US #4,729,678, "Hays").

As per claim 6, although the modified Piwonka teaches a method of providing a BIOS generated display of strings in a computer comprising displaying the portion of the first string in the bold typeface (HTML: pages 123-125 and 564; e.g. *tag/escape code* `` provides an indication that at least a portion of a first string is to be displayed in a first format such as "**September 26, 1996**"), Piwonka does not explicitly disclose the portion of the first string in the bold typeface is displayed by shifting a copy of each character pixel row data by one pixel position and performing a logical OR on each character row data with the shifted copy to control pixels that produce the display of each character of the portion. Hays teaches a portion of the first string in the bold typeface is displayed by shifting a copy of each character pixel equivalent row data by one pixel equivalent position and performing a logical OR on each character row data with the shifted copy to control pixels, or equivalence thereof, that produce the display

of each character of the portion (col. 1, lines 9-16). It would have been obvious to an artisan at the time of the invention to incorporate the method of HTML with the method of the modified Piwonka in order to provide users with an implementation preference.

Claims 11 and 20 are individually similar in scope to claim 6 and are therefore rejected under similar rationale.

Response to Arguments

6. Upon further consideration, applicant's arguments filed 10/14/08 have been fully considered but they are not persuasive.

Applicant argued:

Since the technique of using markup to control display attributes, the failure of others to utilize such a "well-known" technique should be viewed in Applicant's favor, especially since Applicant is not attempting to claim using such markup techniques. Moreover, HTML style tags are not BIOS-readable.

The Office disagrees for the following reasons:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Piwonka teaches a BIOS software having BIOS-readable commands (figs. 3-4 and respective source code listing); HTML teaches escape code commands for displaying strings in a first format then switching from the first format to a second format

(pages 123-125, 207-208 and 564-566), such escape code commands provides a signal that a change outside the usual data stream is to take place. As is now apparent, "obvious to try" may be an appropriate test in more situations than previously contemplated. When there is motivation "...to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to anticipated success, it is likely the product not of innovation but of ordinary skill and common sense." Furthermore, "[c]ommon sense teaches... that familiar items may have obvious uses beyond their primary purposes, and in many cases a person of ordinary skill will be able to fit the teachings of multiple patents together like pieces of a puzzle." KSR, 127 S. Ct. at 1742, 82 USPQ2d at 1397

In this case, since Piwonka teaches control of displaying strings in a BIOS environment, it would have been a common sense implementation to display the strings in different formats so it is somehow different from the surrounding strings. Such an implementation has a clear predictable result of bringing focus or providing contrast to the switch in format.

Inquires

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached at (571) 272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
October 26, 2008
/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178